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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------|---------------------|------------------|
| 10/580,623 | 05/24/2006 | Anton Petrus Arendonk | AT03 0065 US1 | 4382 |
| 24738 7590 08/03/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS PO BOX 3001 BRIARCLIFF MANOR, NY 10510-8001 | | | | |
| EXAMINER | | | | |
| FRANKLIN, JAMARA ALZAIDA | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2876 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 08/03/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,623

Applicant(s)

ARENDONK, ANTON PETRUS

Examiner

JAMARA A. FRANKLIN

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claims 9 and 10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 9 and 10 discussed and further limit a container whereas the claim from which claim 9 depends on, claim 1, teaches and limits a jammer.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Flick (US 6,429,768).

Flick teaches

A jammer (jammer radio transmitter 35) for jamming the readout of contactless data carriers (radio transponder 15) by a reader (reader 22) emitting electromagnetic scanning signals having an air interface for receiving electromagnetic signals, having analyzing means for analyzing the electromagnetic signals received by the air interface, and having jamming-signal generating means for generating a jamming signal, the analyzing means for analyzing the electromagnetic signals received being arranged to identify scanning signals from the reader among the electromagnetic signals received and, when scanning signals are detected, to transmit a control signal to the jamming-signal generating means, the jamming-signal generating means being arranged to generate the jamming signal and transmit it via the air interface on receipt of the control signal (col. 4, line 65-col. 5, line 12);

a jammer as claimed in claim 1, wherein the air interface is arranged to extract electrical energy to supply the jammer from the signals received (col. 4, lines 3-8);

a jammer as claimed in claim 1, wherein a battery is provided to supply the jammer or individual ones of its sub-assemblies with electrical energy, and wherein the battery is preferably able to be switched on as soon as the jammer moves into the zone of action of a reader, and is preferably able to be switched off as soon as the jammer moves out of the zone of action of a reader;

a jammer as claimed in claim 1, wherein the analyzing means for analyzing the electromagnetic signals received are arranged to detect the type of the reader emitting the scanning signals from the scanning signals and to emit the control signal only when the type of reader detected is a preset type, or is not an authorized type (col. 5, lines 13-21);

a jammer as claimed in claim 1, wherein the analyzing means for analyzing the electromagnetic signals received are arranged to extract from the scanning signals commands to contactless data carriers emitted by the reader, and to emit the control signal if commands to data carriers to request them to read out their data are detected;

a jammer as claimed in claim 1, wherein the jamming-signal generating means are arranged to generate a highly modulated signal as a jamming signal;

a jammer as claimed in claim 1, wherein the jamming-signal generating means are arranged to generate an electromagnetic pulse as a jamming signal;

a jammer as claimed in claim 1, wherein the jamming-signal generating means are arranged to emit a user warning signal, such as an acoustic or optical signal;

a container for holding articles that are provided with data carriers able to be read without physical contact, wherein the container has a jammer as claimed in claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARA A. FRANKLIN whose telephone number is (571)272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamara A. Franklin/
Primary Examiner, Art Unit 2876

July 30, 2009
JAF